



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Waiver No. 07-02-001

For one year after leaving County employment, a former employee must not enter into any employment agreement with any person or business if, during the prior three years, the employee significantly participated in any procurement or other contractual activity concerning a contract with that person or business. § 19A-13(b). Alisoun Moore, former director of the Department of Technology Services, seeks a waiver of this prohibition in order to pursue post-County employment with one of the major technology firms that has contracted with the County. The Commission will waive the prohibitions of § 19A-13(b) because the proposed employment is not likely to create an actual conflict of interest so long as Ms. Moore does not work on any County-related business.

Before December 2006, Ms. Moore was the director of the Department of Technology Services. In that position, she significantly participated in the County's procurement and contracting activity with most major technology firms (*e.g.*, IBM, Cisco, Sun, ESRI, BearingPoint). Section 19A-13(b) would prevent her from seeking employment with any of these firms until December 2007.

Ms. Moore reports that this prohibition has created an undue hardship on her and her family because it prohibits her from working for most of the businesses within her area of expertise. She has received no job offers from other entities. She states that none of the firms that have expressed an interest in her have asked that she work on County-related business. In fact, she pledges that she will not work on any County-related business if granted a waiver.

The Commission believes that a waiver is appropriate to allow Ms. Moore to pursue employment with these firms. The Commission may waive § 19A-13(b) if it finds that the proposed employment is not likely to create an actual conflict of interest. § 19A-8(c). The Commission finds that the proposed waiver is not likely to create an actual conflict of interest where Ms. Moore does not work on any County-related business. This waiver is consistent with other waivers the Commission has granted. *Waiver 05-11-008* (Nov. 18, 2005); *Waiver 2001-1* (Apr. 24, 2001).

This decision is not a waiver of § 19A-13(a), which prohibits an employee from working on the same case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a county employee. Nor is it a

waiver of § 19A-15(a), which prohibits an employee, or former employee, from disclosing confidential information.

In reaching this decision the Commission has relied upon the facts as presented by the requester.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "Richard N. Reback". The signature is written in a cursive, flowing style.

February 13, 2007

Date

Richard N. Reback, Chair